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6 Counsel for Defendant ROMERO-ROMERO
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 OSCAR ERNESTO ROMERO-ROMERO,
15 JR.,

16 Defendant.

No. CR-07-0711 MMC

**DECLARATION OF JODI LINKER
AUTHENTICATING DOCUMENTS
RECEIVED IN DISCOVERY FROM THE
UNITED STATES IN SUPPORT OF
MOTION TO DISMISS INDICTMENT**

17 I, Jodi Linker, state as follows:

- 18 1. I am an Assistant Federal Public Defender and have been appointed to represent
19 defendant Oscar Ernesto Romero-Romero, Jr. in the above-captioned matter.
20 2. I submit this declaration to authenticate documents that I received from the United
21 States of America as discovery in the above-captioned case, as well as for the Court's
22 convenience, so all the supporting documentation is submitted together in a single
23 document. Accordingly, all documents discussed in Defendant's motion are attached
24 hereto as delineated below.
25 3. It is my understanding that the Assistant United States Attorney assigned to this
26 matter obtained the below referenced documents, attached hereto as Exhibits A- F,

1 from the Immigration and Customs Enforcement Service ("ICE") and that these
2 documents are contained within the alienage and nationality files ("A-File") of Mr.
3 Romero-Romero, his mother Sandra Evelyn Romero (hereinafter "Ms. Romero") and
4 his father Oscar Ernest Romero Ventura (hereinafter "Mr. Ventura"). Because the A-
5 files of Ms. Romero and Mr. Ventura were provided to me under a protective order,
6 documents from those A-files are filed under seal.

7 a. Attached hereto as Exhibit A is a true and correct copy of the document In the
8 Matter of Oscar Ernest Romero-Ventura, Additional Charges of Deportability,
9 dated September 13, 1991.

10 b. Attached hereto as Exhibit B is a true and correct copy of the Order of the
11 Immigration Judge In the Matter of Oscar Ernesto Romero Ventura, dated
12 March 23, 1992.

13 c. Attached hereto as Exhibit C is a true and correct copy of the Application for
14 Naturalization dated November 30, 1994.

15 d. Attached hereto as Exhibit D is a true and correct copy of the Certificate of
16 Naturalization dated May 30, 1996.

17 e. Attached hereto as Exhibit E are true and correct copies of the Notice to
18 Appear and Warrant for Arrest dated July 14, 2003.

19 f. Attached hereto as Exhibit F are true and correct copies of the Order of the
20 Immigration Judge dated January 9, 2004 & Warrant of Removal/Deportation
21 dated January 14, 2004.

22 4. I have also attached hereto as Exhibits G - J fact and expert witness declarations in
23 support of Mr. Romero-Romero's motion. These document were not received from
24 the government in discovery, but were separately obtained by me.

25 a. Attached hereto as Exhibit G is a true and correct copy of the Declaration of
26 Oscar Ernesto Romero-Romero, Jr., executed on June 11, 2008.

- 1 b. Attached hereto as Exhibit H is a true and correct copy of the Declaration of
2 Sandra Evelyn Romero, executed on June 10, 2008.
- 3 c. Attached hereto Exhibit I is a true and correct copy of the Declaration of Oscar
4 Ernesto Romero-Ventura, Sr., executed on June 11, 2008.
- 5 d. Attached hereto as Exhibit J is a true and correct copy of the Declaration of
6 Angela Bean, Esq., an immigration attorney acting as an expert witness for the
7 defendant, executed on June 11, 2008 and her curriculum vitae.

8 5. I also have attached hereto as Exhibit K (in a manilla envelope; manually filed) two
9 cassette tapes that contain a true and correct copies of the audio recordings of Mr.
10 Romero's deportation hearings on September 2, 2003, September 16, 2003, October
11 8, 2003, November 14, 2003 and January 9, 2004. These audio recordings were
12 received from the government in discovery.

13 6. In addition, I have attached hereto as Exhibit L transcriptions of those deportation
14 proceedings. These transcriptions were not prepared by the government; rather, to
15 prepare the transcriptions, I gave copies of the cassette tapes (Exhibit K) to Amy Jo
16 Lucas and Carmen Estrada, secretaries in my office, and asked them to prepare
17 transcriptions of the tape for the Court's convenience.

18 7. Once they prepared the transcriptions, I reviewed the transcriptions and compared
19 them to the audio recording. To the best of my ability, I verified the transcriptions
20 Ms. Lucas and Ms. Estrada prepared and added additional transcription that I could
21 ascertain. These document are prepared to the best of my ability. Any portions of the
22 audio recording that I could not understand are indicated on the transcription with a
23 "UI" ("unidentified").

- 24 a. Attached as Exhibit L-1 is a final copy of the Transcription of Immigration
25 Hearing of Mr. Romero-Romero dated September 2, 2003.
- 26 b. Attached as Exhibit L-2 is a final copy of the Transcription of Immigration

Hearing of Mr. Romero-Romero dated September 16, 2003

c. Attached as Exhibit L-3 is a final copy of the Transcription of Immigration Hearing of Mr. Romero-Romero dated October 8, 2003.

d. Attached as Exhibit L-4.1 is a final copy of the Transcription of Immigration Hearing of Mr. Romero-Romero, Part I dated November 14, 2003.

e. Attached as Exhibit L-4.2 is a final copy of the Transcription of Immigration Hearing of Mr. Romero-Romero, Part II dated November 14, 2003.

f. Attached as Exhibit L-5 is a final copy of the Transcription of Immigration Hearing of Mr. Romero-Romero dated January 9, 2004 .

I DECLARE under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed and dated on the 11th of June, 2008, in San Francisco, California.


JODI LINKER
ASSISTANT FEDERAL PUBLIC DEFENDER